HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No.4275 of 2007

Between:

M. Ramamohan Rao & others

… Petitioners

And

Valluri Venkata Phani Kumar & others

… Respondents

:: O R D E R ::

Counsel for the petitioners : Smt. G. Jhansi

Counsel for respondent No.1 : Shri C. Narendra

Counsel for respondent Nos. 3 and 4 : Government Pleader for Cooperation

October 09, 2007

Per G.S. SINGHVI, CJ

This petition is directed against order dated 06.04.2006 passed in O.A. No. 8318 of 2005 – Valluri Venkata Phani Kumar and another v. Government of Andhra Pradesh and another, whereby the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, 'the Tribunal') disposed of the original application by directing the respondents to take action in terms of orders dated 14.02.2005, 21.06.2005 and 22.02.2006 in O.A. Nos. 5327 of 2005, 5043 of 2004 and 244 of 2005 respectively.

In the original application filed by them, respondent Nos. 1 and

2 prayed for issue of a direction to non-applicant Nos. 1 and 2 (respondent Nos. 3 and 4 herein) to prepare the seniority list of Cooperative Sub-Registrars (Assistant Registrars), Zone-II of 1995 batch in accordance with order dated 21.06.2005 passed in O.A. No. 5043 of 2004 by revising the seniority list issued vide memorandum No.11227/2000/Zone II(A1) dated 03.07.2003 and consider their cases for promotion to the post of Deputy Registrars in preference to the respondents and also grant them all consequential benefits.

The Tribunal referred to order dated 05.12.2003 passed in O.A.No.1953 of1995, order dated 22.02.2006 passed in O.A.No. 244 of 2005 and order dated 14.03.2006 passed in O.A.No. 5327 of 2005, noted the contention of the learned Government Pleader that the seniority of the applicants has been correctly fixed and disposed of the writ petition in the following terms:

> " It is not in dispute that the applicants are similarly placed as the applicants in O.A.No.5043 of 2004 and the said O.A. has been followed in O.A.No.244 of 2005 and O.A.No.5634 of 2005. The only difference between the applicants herein and the applicants in O.A.No.5043 of 2005 is that they belong to another zone (unit of appointment). The principle of law laid down in this O.A. is squarely applicable to the facts of the present case. This O.A. is disposed of with a direction to the respondents to take action in terms of the findings of this tribunal in O.A.No.5043 of 2004, dt. 21.06.2005 as well as the orders passed in O.A.No.244 of 2005, dt. 22.02.2006 and O.A.No.5327 of 2005 dt. 14.02.2005. Office is directed to enclose copy of the order in O.A.No.5043 of 2004, dt. 21.6.2005 and O.A.No. 244 of 2005, dt. 22.02.2006 and O.A.No.5327 of 2005 dt. 14.03.2006 to this order. No costs."

The writ petitioners have questioned the order of the Tribunal on several grounds including the one that the Tribunal could not have directed re-fixation of the seniority of respondent Nos. 1 and 2 without ensuring their impleadment as parties to the original application and

without giving them notice and opportunity of hearing. According to the petitioners, the order of the Tribunal is vitiated due to violation of the rules of natural justice.

We have heard learned counsel for the parties and scrutinized the record. After arguing the case for sometime, Shri C. Narendra learned counsel appearing for respondent No.1 came up with a fair suggestion that the Court may set aside the order of the Tribunal and remand the matter for fresh adjudication of the original application with liberty to respondent Nos. 1 and 2 to implead the writ petitioners and other affected persons as parties to the original application.

Learned counsel for the writ petitioners and the learned Government Pleader say that they do not have any objection, if the suggestion of Shri C. Narendra is accepted.

In view of the above, the writ petition is allowed. The impugned order is quashed with the direction that O.A.No.8318 of 2005 be listed before the Tribunal for fresh adjudication. The applicants before the Tribunal (respondent Nos. 1 and 2 herein) may file appropriate application for impleadment of the affected persons as party respondents in the original application. They may also file application under Section 21(3) of the Administrative Tribunals Act, 1985 for condonation of delay, if any in filing the original application.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

October 09, 2007
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